

# 2004 STATE OF THE JUDICIARY ADDRESS

Chief Justice Ronnie White

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President Maxwell, Speaker Hanaway, distinguished members of the Senate and House of Representatives, honorable statewide elected officials, esteemed colleagues of the Court, and honored guests -

You know, it is indeed a pleasure to be here with you this morning. As I walked through the doors back there, I thought of how amazing this is, after having served in this body.

I want to take a minute and thank Speaker Hanaway for attending the kick-off celebration for Martin Luther King, Jr., in St. Louis on Saturday night at Harris-Stowe State College. The people there were very, very proud and pleased to see her and the bipartisan delegation of house members who were also with her.

I'd also like to take a moment and introduce two people who have been with me since the beginning - my wife, Sylvia ... and our son, Ronnie II.

I come before you today as Chief Justice to perform the traditional duty of sharing with you the state of our judiciary. I remember the first time I came into this chamber almost 15 years ago as a newly elected representative. It is reassuring as I stand before you today to see some familiar faces from that very first day.

Senator Maida Coleman from St. Louis was one of the people who helped me to get here. When I was running for elective office in 1989 and going door to door in my district, I happened to stop by Senator Coleman's house. You could not imagine what I got when I knocked on the door. She began to tell me all the things I needed to do when I got elected, so I thought about it and I said, "Well, why don't you come out of the house and help me do it?" And look at where she is today! And I want to say to you, Senator Coleman, I am very proud of you and pleased to be your friend.

And after Senator Coleman helped me to get here, one of the first people I met was Senator Mary Bland from Kansas City. In fact, during my time in the House, I was her seatmate, and sometimes after some bruising committee battles and deep debates, I would come back to my chair and sit down, and Senator Bland would say, "Representative White, I'm praying for you." Well as I stand before you today, I want to say to you, Senator, your prayers have been answered. And she would also follow up and say, "You're going to be all right." Well, after 15 years, a lot of time has passed and things have happened, I want to say to you, Senator Bland, I am all right.

While tradition and duty require me to speak to you today, a much more immediate duty compels continued communication with each other throughout the rest of this year. As someone who once served in this very room, I empathize with you as you face yet another historically challenging year. It is no secret that painstaking choices will have to be made - funding our public schools, helping children in our foster care system, dealing with the state's budget difficulties. Our charge, then, is to work together wherever we can so that those hard choices are made in the most informed and cooperative environment possible.

Last session, the judiciary offered leadership and solutions when it was required of us, and we offered information and cooperation when leadership was required of you. This cooperation between our branches of government made possible the important work of the Commission on Children's Justice. This same cooperation produced a judiciary budget that sustained difficult cuts but still preserved the judicial branch's

ability to fulfill its essential role for the citizens of this state.

In addition, we collaborated with you to find places where our effectiveness could be improved. Even before the passage of House Bill 600, the judicial branch was generating \$370 million in positive economic impact each year. I'm not talking about lawsuits here - I'm talking about the court costs, fines, fees and restitution that the courts collect for the state and its citizens. Through the passage of HB 600, we advocated and you adopted changes that will allow us to collect outstanding court costs and fines more efficiently at no cost to taxpayers other than that necessary to operate the judicial branch of government. While this money alone will not alleviate the state's financial situation, it provides a small measure of relief to some, particularly school districts - and it sends an important message about justice to those who believe they can utilize the service of justice and violate our laws without paying.

But this is just one example of what we can achieve when we work together. We must continue in this spirit of mutual cooperation for this year and for years to come - no matter who may come and go from the office of Judge, Senator, or Representative.

In that spirit of cooperation, then, let me relate to you where the judicial branch stands now, and where, with your help, we hope to be in years to come. As I stated at our annual Bar meeting in October, I have a firm commitment to doing whatever I can to promote a more professional, diverse and technologically integrated future for the justice community in this state. Let me also reaffirm our commitment to saving money where we can and working with you to make our judiciary a more efficient one.

At the outset, I want to thank all those people who make our efficiency possible - our employees. We all know that it is the employees across this state who provide direct services to the citizens every day and who are the face of Missouri state government. And with the budget constraints over the past several years, many of these employees are bringing less money home to their families now than they were four or five years ago. I request, therefore, that you give these people every due consideration even in the face of the current fiscal problems. For if we cannot keep our best and brightest state employees, we all suffer.

Now, as to the issue of professionalism, let me say that it is an honor to serve as Chief Justice with such distinguished colleagues. For many years and through many different judges, we at the Court have attempted to create an environment that is collegial, not combative - and always dedicated to preserving the integrity of the law. While our opinions differ on occasion - although not nearly as frequently as one might think - we always seek to ensure that the time-honored processes by which we make our decisions remain intact.

At least to some extent, I believe we owe this high quality of my colleagues on the Supreme Court - regardless of the political affiliation of the governor who appointed them - to a nonpartisan court plan that for more than 60 years has made our state an example to the nation.

Missouri itself has changed drastically since its voters first adopted the nonpartisan plan in 1940. Counties that were once considered rural are now so large in population that they rival even our largest cities, and the needs of their courts have become more complex. In addition, as election costs inevitably rise, unforeseen pressures are placed on members of the judiciary as well as on those who seek to replace them. In even the best of scenarios, the appearance of the intrusion of politics - and money - into the judicial process becomes difficult to avoid.

For these reasons, I announced my intention last July to discuss the expansion of the nonpartisan court plan into Greene, Jefferson and St. Charles Counties, the three next largest counties that do not already operate under the plan. In my discussions with local bar associations, I have made it clear that, whatever we do, we must do in full cooperation with the circuits - and more importantly the people - because it is pointless to proceed if the citizens in those areas do not want change. However, we should at least be open to discussing

and determining whether current systems continue to meet our constantly evolving needs and to do so in an atmosphere of civility and respect. Our talks so far have been well received, and I believe that many who originally had misgivings about the plan have begun to think positively about its potential value. In fact, the Springfield Metropolitan Bar Association voted 2-1 to support the nonpartisan plan in Greene County, and discussions are underway in St. Charles County. I hope to speak with the Jefferson County Bar Association in the near future.

Ultimately, these decisions must be made locally. And let me be clear - we are not asking the general assembly in any way to expand the nonpartisan plan. Even I seek only to act as a conduit for discussion. I realize that many of you in this room may have misgivings about my proposal, and reasonable minds can certainly differ on this issue. I therefore welcome your input and offer to conduct a legislative forum so you can discuss your positions - positive or negative - and your important voices can be heard on this issue.

In addition to serving as a facilitator for public discussions about the nonpartisan court plan, the judicial branch must also review its own internal court policies to seek out ways in which we can improve professionalism. Our judicial committees and bar committees remain dedicated to this very cause. As one excellent example of such a review, last fall the Supreme Court Family Court Committee completed the *Missouri Resource Guide for Best Practices in Child Abuse and Neglect Cases*. Nearly a thousand professionals in the juvenile justice field - including every single member of the judicial branch who is assigned to work on juvenile cases - attended cross-training in these best practices.

I hope that, through efforts such as these, you will continue to see the judiciary as a willing partner for positive change. Our doors remain open - your ideas are welcome, and we hope that you work with us as we strive to create the judicial system of the future.

There are many ways in which our present system demonstrates our promising future. Our internationally award-winning efforts to use advanced technologies in the courts have done much to improve judicial services, and technology holds the promise of even greater returns if we can capitalize on this investment.

I realize that many of my predecessors have discussed this program with you, but for me it retains personal importance. In 1993, when I was still in the state legislature, I sponsored House Bill 681 - the first bill seeking to automate our state courts. Although not many seemed to share this vision at the time, I realized then that the future of Missouri courts would lie in their ability to embrace technology in their efforts to provide service, justice and access to the citizens of this state.

Well, now the "future" is here. We all realize that advanced technology is an absolute business necessity, not a hypothetical dream or automation project. The state has an automated payroll system and automated driving records, law enforcement has the automated Missouri Uniform Law Enforcement System, and you here in the legislature have automated drafting, filing and tracking of bills and amendments. Similarly, for our judicial branch to remain able to provide exceptional service to the public effectively, we must continue to scrape our way into the 21st century by finding a way to afford those technological tools essential to an effective judicial system.

I thank each of you for recognizing this need last session through the passage of Senate Bill 448. With the leadership of Senator Matt Bartle and Representative Richard Byrd, we were able to extend the court automation fee until 2009, preserving a valuable business tool for the operation of court technology. I want to publicly extend my thanks to them and to all of you who continue to support this vitally important effort.

Although there is still much to be done, there is much that is already working well. The state's online case information system, Case.net, and case management program, Justice Information System - commonly known as JIS - are improving the business of our courts in many ways that may not be obvious to the casual observer but that would be noticeable immediately if they were no longer present.



For example, the general assembly relies on the judicial branch to collect all the fees that fund many worthy causes across the state - including the traffic fines that support our local schools and the crime victims' compensation fund. For courts using JIS, it took only a flip of the switch to begin collecting, tracking and distributing the new costs quickly and efficiently. It is not as easy for the 40 other counties that do not yet have JIS due largely to budget constraints. And for some of those courts, can you believe that their clerk staff had to manage the six new fees created last session manually by adding six new envelopes to the pegboard?

Just imagine how your day-to-day business in this building would be different if you still had to rely on typewriters and carbon copies to circulate amendments to your legislative packages. I'm sure your staff would be horrified by the very thought! Consider this: we still have areas in this state where the courts account for hundreds of thousands - if not millions - of dollars using manual accounting systems. We cannot continue to move some 800,000 new cases and account for some \$370 million annually when some courts still are using systems that were designed in the 1950s.

But technology is not just about making us more efficient at our jobs. With that efficiency also comes significant cost savings and the ability to generate revenue. For example, a study we recently conducted in three counties identified a total of \$2.3 million in costs and fines that litigants have failed to pay - money we now can collect under HB 600 - at least in those counties that have JIS. If that is what we can do in just three counties, imagine the millions of dollars the judicial branch may be able to collect statewide. I must emphasize that this effort, along with others, seeks to go after those who fail to pay their obligations. While to some extent it is about money, more importantly it is about the enforcement of court orders and accountability to the laws you pass.

Judicial technology is also about facilitating the provision of immediate services to children and others at risk, ensuring an efficient investment of time and resources into each case, eliminating duplicate paperwork ... and saving the state even more money. I hope you will continue to support this important investment of judicial technology.

Of course, the system is capable of providing many more benefits, but fiscal prudence mandates that we be creative in discovering new ways to bring more counties into the information age. For example, although no new state dollars were available, the Jackson County Circuit Court determined that JIS was vital enough to its business needs that it was able to implement the system without the state spending any significant dollars toward that effort.

We will, of course, continue to explore any option that allows us to move forward with technology, which is vital not only to the judicial branch but also to the interests of accountability to the laws you pass, to the interests of public safety, and to the interests of those who use our courts every day. This is why it is so important that, even in these challenging times, we all remain committed to doing what works and to changing what needs to be fixed. I look forward to working with you to ensure a bright technological future for the judicial system in Missouri.

While we look to the future in court technology, we also must look to the future of the people who practice law in this state. To do that, we must make every effort to improve racial and gender diversity. Our legal community should strive to be as diverse as the people who live in this great state, because equal access to justice can only be realized fully when there is equal opportunity for all to serve in our system of justice. When people come to our courthouses, they need to see that other people just like them have every opportunity to thrive in the Judiciary as a workplace. They need to feel vested in, rather than controlled by, our system of justice.

I think at times we take much for granted in this great country - particularly in relation to our government and its institutions. It has become all too commonplace today to engage in rhetoric that does not challenge us to

be better. Unlike virtually any other country in the world, this is our government, yours and mine. The American justice system remains a beacon to the world in spite of its failings, perceived and real. It is a beacon because we, the citizens of this great country, have a vested interest in that system as our system of justice. For people to obtain justice, people must see that equal access to justice is more than just a vision ... they must see it as a reality.

So how does the judicial branch achieve this goal in concrete ways that can be implemented feasibly? First, through the Missouri plan, we must diversify our selection panels so that both selectors and those selected represent a wide cross-section of the citizenry. Without diversifying the ranks of those who aspire to become trial judges and appellate judges, we will struggle to develop the array of applicants we seek.

I believe it is clear that diversity must begin at the very earliest levels, from pre-law and paralegal programs to law school to entry-level positions throughout the legal community ... and perhaps even earlier than that ... so that in the future, diversity does not require effort but rather takes place as a matter of course in a profession where all facets of society are represented.

Already, progress has been made on this front, as my own experience illustrates. I can remember attending my first appellate section meeting at the 1994 judicial conference. I was the only African-American in attendance. That is because, of the 39 appellate judges in the state at that time, I was the only African-American judge among them, and there were only three women on the appellate court then. But time has passed, and the diversity of the appellate bench is getting better. I am now on the Supreme Court, and we have four African-American judges on the Court of Appeals, plus a total of nine women on the appellate bench, including my colleague at the Supreme Court, Laura Stith. We also have the first Jewish judge to serve on the Supreme Court, my friend Rick Teitelman.

However, this progress does not mean that the judicial branch is where it needs to be. So I invite you to help us in any way you can. Encourage the women and minorities in your constituencies to consider the law as a career whenever you can. Foster in them an interest in the legal system of this great state. Help us end this discussion by making Missouri a nationwide example of a diverse, innovative legal community - a legacy of which we can all be proud.

I truly believe the future of our entire judiciary can be bright for all - but only if we work with you to create it in the present. We remain willing to do our part, to lead when needed, and to aid you in implementing change when you seek it from us. We welcome the discussions brought forth by the Interim Committee on Judicial Resources, and we look forward to working with all parties in the interest of creating a more efficient, modernized judiciary in this session and in sessions to come. We continue to look for savings where we can, and we ask, out of respect for our different but co-equal responsibilities under the constitution, that we work together to find these savings. It is the responsibility of both the judiciary and the legislature to preserve essential judicial functions and maintain the effectiveness of the third branch of government.

In conclusion, we remain committed to providing greater service, access and justice throughout the state. In partnership with each of you, I am certain that our commitment will be fulfilled. Thank you for listening.



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